

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 22-01379-CJC (DFM)

Date: August 22, 2022

Title: LEE ET AL. V. UNION OF AMERICAN PHYSICIANS AND DENTISTS, AFSCME
LOCAL 206 ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
MATTER SHOULD NOT BE STAYED**

Plaintiff Kang Lee filed suit against Defendants the Union of American Physicians and Dentists, AFSCME Local 206, California Correctional Healthcare Services, and California State Controller Betty T. Yee on July 26, 2022, alleging violations of Lee's First Amendment and due process rights related to union dues deductions. (Dkt. 1.) Lee also filed an *ex parte* application for a temporary restraining order, (Dkt. 11), which the Court denied, (Dkt. 15). Later, Lee amended the complaint to add Plaintiffs Behroz Hamkar and Naveed Riaz, (Dkt. 18), who filed a second *ex parte* application for a temporary restraining order, (Dkt. 19). The Court denied this application. (Dkt. 22).

The parties have brought to the Court's attention *Espinoza v. Union of American Physicians and Dentists*, AFSCME Local 206, 562 F. Supp. 3d 904 (C.D. Cal. 2022), which presented substantially similar issues to this case and was also filed by the advocacy organization representing Plaintiffs. While on appeal to the Ninth Circuit, several of this case's Defendants filed a motion to stay the briefing in *Espinoza* until the Ninth Circuit decides two other appeals that present essentially the same legal issues. (See Defendants-Appellees' Joint Motion to Stay Appellate Briefing at 3, *Espinoza v. Union of American Physicians and Dentists*, AFSCME Local 206, No. 22-55331 [9th Cir. Aug. 8, 2022]). Defendants noted that the same advocacy organization represents the

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plaintiffs in the two appeals and at least six others, all held in abeyance pending the outcome of those two appeals. (*See id.* at 3–4.)

Given the apparent similarity of the issues in all these matters and the desire to avoid unnecessarily duplicative litigation, the Court **ORDERS** the parties to show cause why this matter should not be stayed pending the Ninth Circuit’s decisions in *Zielinski v. SEIU Local 503*, No. 20-36076; *Wright v. SEIU Local 503*, No. 20-35878; and (if not also stayed) *Espinoza v. Union of American Physicians and Dentists, AFSCME Local 206*, No. 22-55331. The Court **ORDERS** Plaintiffs to file their position with the Court no later than September 6, 2022, Defendants to file their position with the Court no later than September 13, 2022, and Plaintiffs to file their reply (if any) no later than September 20, 2022.

jso

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